

Article VIII

Rule of Specialty

1. A person extradited under this Agreement shall not be arrested, detained, tried or punished in the jurisdiction of the requesting Government for an offense other than that for which extradition has been granted nor be extradited by that Government to a third country unless:

- (a) That person has left the jurisdiction of the requesting Government after extradition and has voluntarily returned to it;

- (b) That person has not left the jurisdiction of the requesting Government within thirty days after being free to do so; or

- ~~(c) Upon such conditions as may be prescribed by the requested Government,~~
that Government:

- (1) Has consented to the arrest, detention, trial or punishment of that person for an offense other than that for which extradition was granted; or

- (2) Has consented to extradition to a third country.

2. Paragraph 1 of this Article shall not apply to offenses committed after extradition.

3. Instead of the offense for which a person was extradited, after notice to the requested Government, the person may be tried or punished for a different offense, including a lesser included offense, provided that it is:

- (a) Based on the same facts as were set out in the request for extradition and the supporting evidence;

- (b) Punishable by no greater penalty than the offense for which the person was extradited; and

- (c) An offense referred to in paragraph 1 of Article II of Title Two.

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Article IX

Multiple Extradition Requests

When requests for extradition of the same person are received from the requesting Government and one or more other Governments, the requested Government shall have the discretion to determine to which Government the person is to be extradited.

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Article X

Surrender

When a request for extradition has been granted, surrender of the person sought shall take place within such time as may be prescribed by the laws of the requested Government.

Article XI

Waiver

1. A person whose extradition is sought may at any time voluntarily waive extradition proceedings. The waiver shall be in writing, endorsed by a judge, and have the effect of a final decision of the requested Government to surrender that person.
 2. A certified copy of the waiver shall constitute sufficient authority to maintain the person sought in custody within the jurisdiction of the requested Government and to deliver that person into the custody of the requesting Government.
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Article XII

Surrender of Property

1. To the extent permitted under the laws of the requested Government and subject to the rights of third parties, all property relating to the offense shall at the request of the requesting Government be seized and surrendered upon the granting of the extradition. This property shall be handed over even if the extradition cannot be effected due to the death, escape or disappearance of the person sought.
 2. The requested Government may make the surrender of the property conditional upon a satisfactory assurance from the requesting Government that the property shall be returned to the requested Government as soon as possible.
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Article XIII

Transit

1. Upon prior notice, the Government of the United States shall have the right to transport through the jurisdiction of the Republic of the Marshall Islands persons surrendered by the Government of the United States to a third country pursuant to an agreement between the Government of the United States and that third country or a person surrendered by a third country to the United States.
 2. Upon prior notice, and if otherwise consistent with U.S. law, the Government of the Republic of the Marshall Islands shall have the right to transport through the jurisdiction of the United States persons surrendered by the Government of the Republic of Marshall Islands to a third country or a person surrendered by a third country to the Republic of Marshall Islands pursuant to an agreement between the Government of the Republic of Marshall Islands and that third country.
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3. When such transport is by air and no stop is scheduled in the jurisdiction of the United States or the Republic of the Marshall Islands, but is required by extenuating circumstances, no prior notice shall be required.

Article XIV

Expenses

1. The requesting Government shall bear the cost of transportation of the person sought.
 2. The appropriate legal officers of the requested Government shall act as counsel for the requesting Government except as otherwise agreed.
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Article XV

Extradition of Citizens or Nationals

Neither the Government of the United States nor the Republic of the Marshall Islands shall refuse extradition based on the nationality of the person sought.

Article XVI

Relationship with Other Agreements

Offenses committed by United States personnel as defined in the Status of Forces Agreement shall be subject to the provisions of the Status of Forces Agreement only when such personnel are in the Republic of the Marshall Islands, otherwise the provisions of this Agreement shall govern.

TITLE THREE

JUDICIAL ASSISTANCE

Article I

Judicial Assistance

1. The United States District Court of the district in which a person resides or is found may order that person to give testimony or a statement or to produce a document or other thing for use in a judicial, administrative or criminal investigation or proceeding in the Republic of the Marshall Islands.
2. A national court in the Republic of the Marshall Islands may order a person residing or found within its jurisdiction to give testimony or a statement or to produce a document or other thing for use in a judicial, administrative, or criminal investigation or proceeding in the United States.
3. The order may be made either pursuant to a letter rogatory issued or a request made by a court of the other Signatory Government, or pursuant to a request made by a department or ministry of justice of the other Signatory Government.
4. The order may direct that the testimony or statement be given or the documents or other things be produced before a person appointed by the court. By virtue of this appointment, the person appointed has power to administer any necessary oath and take the testimony or statement.
5. When requested, the prescribed procedure shall be designed to meet the requirements for admission in evidence of the testimony or statement to be given, or the document or other thing to be produced, in the place where it is sought to be used. In such cases and as otherwise necessary or appropriate, the order shall prescribe the procedure for taking the testimony or statement or producing the document or other thing.
6. A person may not be compelled to give testimony or a statement or to produce a document or other thing in violation of any legal or constitutional right or privilege applicable in the jurisdiction in which the testimony or statement is given, or a document or other thing is produced.
7. This Agreement does not preclude a person from voluntarily giving testimony or a statement, or producing a document or other thing, for use in an investigation or proceeding in the United States or the Republic of the Marshall Islands.
8. Letters rogatory, requests and applications for assistance pursuant to this Title shall be in the English language.

TITLE FOUR

EXECUTION OF PENAL SANCTIONS

Article I

Scope

1. Sentences imposed by courts of the Republic of the Marshall Islands on citizens or nationals of the United States may be served in penal institutions of the United States or under the supervision of its authorities in accordance with the provisions of this Agreement.
 2. Sentences imposed by courts of the United States, or a state thereof, on citizens or nationals of the Republic of the Marshall Islands may be served in penal institutions of the Republic of the Marshall Islands, or under the supervision of its authorities in accordance with the provisions of this Agreement.
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Article II

Definitions

For the purposes of this Title only:

1. "Transferring Government" means the Signatory Government from which the offender is to be transferred.
2. "Receiving Government" means the Signatory Government to which the offender is transferred.
3. "Offender" means a citizen or national of the Republic of the Marshall Islands who has been sentenced by a court of the United States, or a state thereof; or a citizen or national of the United States who has been convicted by a court of the Republic of the Marshall Islands.
4. "Category I Offender" means an "Offender" who comes within the meaning of the term "United States personnel," as that term is defined in paragraph 2(d) of Article I of the Status of Forces Agreement.
5. "Category II Offender" means all "Offenders" other than "Category I Offenders."
6. "State" when used in the sense of a part of the United States means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

Article III

Eligibility

This Agreement shall apply only under the following conditions:

1. That the offense for which the Offender was convicted and sentenced is one which would be punishable in the Receiving Government; provided, however, that this condition shall not be interpreted so as to require that the offense described in the laws of both Governments be identical in those matters which do not affect the nature of the crime.
2. That the Offender be a citizen or national of the Receiving Government.
3. That the Offender has not been sentenced to the death penalty nor convicted of a purely military offense.
4. Except for Category I Offenders, that at least six months of the Offender's sentence remain to be served at the time of petition to transfer.
5. That the sentence be final, that any appeal procedures have been completed, and that there be no collateral or extraordinary remedies pending at the time of invocation of the provisions of this Agreement.
6. That the Offender's express consent, or the consent of a legal representative in the case of a minor or of an Offender who has become mentally incompetent, to transfer has been given voluntarily and with full knowledge of the legal consequences thereof.
7. That, before the transfer, the Transferring Government shall afford an opportunity to the Receiving Government to verify through an officer designated by the laws of the Receiving Government that the Offender's consent to the transfer has been given voluntarily.